



AF JFW
\$

Dkt. 1747/53437-A-PCT-US/JPW/BJA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Philip O. Livingston et al.
Serial No.: 09/534,711 Examiner: C. Yaen
Filed : March 24, 2000 Group Art Unit: 1642
For : FUCOSYL GM1-KLH CONJUGATE VACCINE AGAINST SMALL
CELL LUNG CANCER

1185 Avenue of the Americas
New York, NY 10036
October 6, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop AF

Sir:

NOTICE OF APPEAL FROM THE EXAMINER'S DECISION TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed April 6, 2005 finally rejecting pending claims 1, 6-8, 11 and 14 in the above-identified application.

Applicants are concurrently filing a Petition for Three-month Extension of Time. Accordingly, this Notice of Appeal is being timely filed.

The required fee set forth in 37 C.F.R. §1.17(b) for filing a Notice of Appeal for a small entity is TWO HUNDRED FIFTY DOLLARS (\$250.00), and a check in this amount is enclosed. Applicants have previously established small entity status.

10/13/2005 BABRAHA1 00000016 09534711

01 FC:2401

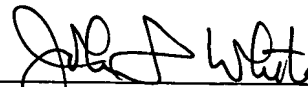
250.00 OP

Applicants: Philip O. Livingston et al.
Serial No.: 09/534,711
Filed: March 24, 2000
Page 2

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

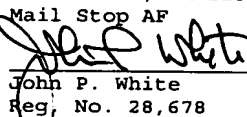
No fee, other than the enclosed \$250.00 fee, is deemed necessary in connection with the filing of this Notice of Appeal. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Reg. No. 28,678
Attorney for Applicant(s)
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450
Mail Stop AF


John P. White
Reg. No. 28,678

10/6/05
Date